

Message Text

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ACTION SCS-03

INFO OCT-01 NEA-14 ISO-00 SCA-01 L-03 FBIE-00 JUSE-00

DEAE-00 H-03 INR-11 CIAE-00 NSAE-00 SY-04 PRS-01 /041 W

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3199

C O N F I D E N T I A L NEW DELHI 10628

FOLNG SENT NEW DELHI FROM CALCUTTA DTD 09 AUG.

QUOTE: CALCUTTA 1634

E.O. 11652: GDS

TAGS : CASC PFOR IN

SUBJECT : HARCOS/FLETCHER

SUMMARY: THE CHIEF SECRETARY DID NOT RPT NOT DISCUSS THE CASE WHILE IN NEW DELHI, SO I DIDN'T GET ANYWHERE AT TODAY'S MEETING WITH HIM (AUGUST 9). I WILL SEE CHIEF MINISTER TOMORROW AT 1:30. DEFENSE WILL FILE BAIL PETITION NEXT WEEK. END SUMMARY.

2. I MET WITH CHIEF SECRETARY AND HOME SECRETARY AND HOME SECRETARY THIS AFTERNOON BUT WITHOUT ANY NEW GUIDANCE FROM DELHI. THEY SIMPLY HEARD ME OUT ON FATE OF MY PLEAS FOR ACCESS TO TRIAL AND OUR DISAPPOINTMENT AT POSITION OF PROSECUTION AS WELL AS WITH RULING OF COURT. I GOT NO HING WHATEVER THAT GOWM WOULD RECONSIBER BASIC POSITION REFLECTED IN PROSECUTOR'S REACTION WHICH COURT UPHELD, I.E. THAT CONSULAR PRESENCE WOULD BE INCONSISTENT WITH CONCEPT OF IN CAMERA PROCEEDING.

3. THEY SUPPORTED CHIEF MINSTER'S REQUEST THAT I URGE DEFENSE TO SUBMIT BAIL PETITION PROMPTLY. I TOLD THEM AS I HAD HIM WHAT HAD CAUSED DELAY IN SUBMISSION AND THAT I WOULD TALK TO DEFENSE AGAIN. I ADDED THAT TO US THE ISSUE OF BAIL OR HOUSE ARREST WAS DISTINCTLY SECONDARY TO THOSE OF CONSULAR ACCESS TO TRIAL AND THE BASIS OF CHARGES, THE LATTER PARTICULARLY POSING A POTENTIAL THREAT
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TO IMPROVED GOI-USG RELATIONS. I NOTED THE INCONSISTENCY OF THE

POSITION BEING PRESENTED TO OUR EMBASSY IN NEW DELHI ON THE LATTER
ISSUE AND WHAT I ENCOUNTERED IN CALCUTTA.

4. SINCE I WAS GETTING NO REACTION, I SUGGESTED THAT PERHAPS I
SHOULD SEE THE CHIEF MINISTER ON THESE QUESTIONS. CHIEF SECRETARY
READILY ASSENTED AND ARRANGED APPOINTMENT FOR ME AT 1:30
TOMORROW.

5. LATER ON I MET WITH DEFENSE LAWYER BHOSE TO DISCUSS BAIL
PETITION. FORTUITOUSLY HE HAD RECEIVED TELEGRAM FROM LAWYER DONAVAN
EARLY THIS MORNING GIVING HIM THE GO-AHEAD ON RENTING A FLAT
FOR THE PRISONERS THUS REMOVING ONE PROBLEM. HE WILL FILE PETITION
FOR BAIL OR HOUSE ARREST ON MONDAY, AUGUST 12, REQUESTING HEARING
ON FRIDAY, AUGUST 16.

6. BHOSE WILL SEE THE PRISONERS TOMORROW AND AT THAT TIME
BREAK THE NEWS TO THEM THAT THE TRIAL WILL NOT RPT NOW BE IN PUBLIC.
HE IS APPREHENSIVE ABOUT THEIR REACTION. HE HAS LEARNED THAT A
PRISONER ON HUNGER STRIKE CANNOT RPT NOT BE BROUGHT BEFORE A JUDGE.
HE WILL TELL THE PRISONERS THIS TOMORROW AND URGE THEM TO SUSPEND
THEIR HUNGER STRIKE SO THAT THEY CAN APPEAR ON AUGUST 23
AND MAKE A STATEMENT.

7. HE AGREED TO COMMUNICATE WITH ME IMMEDIATE AFTER HIS
MEETING WITH THEM.
PICKERING
UNQUOTE. MOYNIHAN

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